

Zoning Case No. C14-2017-0054

RESTRICTIVE COVENANT

OWNER: Texas Association of Counties Risk Management Pool

OWNER ADDRESS: 1210 San Antonio Street, Austin, Texas 78701

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Being a 0.091 acre tract of land situated in the Thomas J. Chambers Survey, Abstract No. 7, Travis County, Texas, being all that certain tract of land described in deed to Jason Blake Tollett Revocable Property Trust, as recorded in Instrument No. 2008005550, Official Public Records, Travis County, Texas, (being described by metes and bounds in Volume 7875, Page 446, Deed Records, Travis County, Texas), and being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant (the "Property").

WHEREAS, the Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Outdoor amplified sound is prohibited on the Property.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

- 4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the Owner(s) of the Property, or a portion of the Property, subject to the modification, amendment, or termination at the time of such modification, amendment, or termination.

EXECUTED this the _____ day of _____, 2017.

Owner:

Texas Association of Counties Risk Management Pool

By: Texas Association of Counties

By: _____
Gene Terry
Executive Director

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2017, by Gene Terry, as Executive Director of Texas Association of Counties, on behalf of Texas Association of Counties Risk Management Pool.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

PREMIER SURVEYING LLC

5700 W. Plano Parkway, Suite 2700
Plano, Texas 75093
972-612-3601
Fax: 972-964-7021

Exhibit "A"
(1202 SAN ANTONIO STREET)

BEING A 0.091 ACRE TRACT OF LAND SITUATED IN THE THOMAS J. CHAMBERS SURVEY, ABSTRACT NO. 7, TRAVIS COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO JASON BLAKE TOLLETT REVOCABLE PROPERTY TRUST, AS RECORDED IN INSTRUMENT NO. 2008005550, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (BEING DESCRIBED BY METES AND BOUNDS IN VOLUME 7875, PAGE 446, DEED RECORDS, TRAVIS COUNTY, TEXAS), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE COMMON EAST CORNER OF SAID TOLLETT TRACT AND THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL, AS RECORDED IN INSTRUMENT NO. 2007232001, SAID OFFICIAL PUBLIC RECORDS, SAID IRON ROD BEING ON THE WEST LINE OF SAN ANTONIO STREET;

THENCE SOUTH 18° 59' 00" WEST, A DISTANCE OF 33.00 FEET ALONG SAID WEST LINE TO A FOUND COTTON SPINDLE AT THE COMMON EAST CORNER OF SAID TOLLETT TRACT AND THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED AS TRACT 1 TO OROSOLUTIONS, LLC, AS RECORDED IN INSTRUMENT NO. 2006221710, SAID OFFICIAL PUBLIC RECORDS;

THENCE NORTH 70° 54' 00" WEST ALONG THE COMMON LINE OF SAID TOLLETT TRACT AND SAID TRACT 1, PASSING A FOUND PK NAIL AT THE COMMON NORTH CORNER OF SAID TRACT 1 AND THAT CERTAIN TRACT OF LAND DESCRIBED AS TRACT 2 IN SAID OROSOLUTIONS DEED AT A DISTANCE OF 82.00 FEET AND CONTINUING ALONG THE COMMON LINE OF SAID TOLLETT TRACT AND SAID TRACT 2 A TOTAL DISTANCE OF 95.00 FEET TO A FOUND PK NAIL AT THE NORTHWEST CORNER OF SAID TRACT 2;

THENCE SOUTH 19° 00' 00" WEST, A DISTANCE OF 47.46 FEET ALONG SAID COMMON LINE TO A FOUND PK NAIL AT THE COMMON SOUTH CORNER OF SAID TOLLETT TRACT AND SAID TRACT 2, SAID PK NAIL BEING ON THE NORTH LINE OF W. 12TH STREET;

THENCE NORTH 70° 46' 00" WEST, A DISTANCE OF 10.00 FEET ALONG SAID NORTH LINE TO A FOUND PK NAIL AT THE COMMON SOUTH CORNER OF SAID TOLLETT TRACT AND THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ROBERT STANLEY WRIGHT, AS RECORDED IN VOLUME 5754, PAGE 2377, AFORESAID DEED RECORDS;

THENCE NORTH 19° 00' 00" EAST, A DISTANCE OF 80.45 FEET ALONG THE COMMON LINE OF SAID TOLLETT AND WRIGHT TRACTS TO A FOUND PK NAIL AT THE COMMON NORTH CORNER OF SAID TOLLETT AND WRIGHT TRACTS, SAID PK NAIL BEING ON THE SOUTH LINE OF AFORESAID TEXAS ASSOCIATION TRACT;

THENCE SOUTH 70° 54' 00" EAST, A DISTANCE OF 105.00 FEET ALONG THE COMMON LINE OF SAID TOLLETT AND TEXAS ASSOCIATION TRACTS TO THE POINT OF BEGINNING AND CONTAINING 3,940 SQUARE FEET OR 0.091 OF ONE ACRE OF LAND.

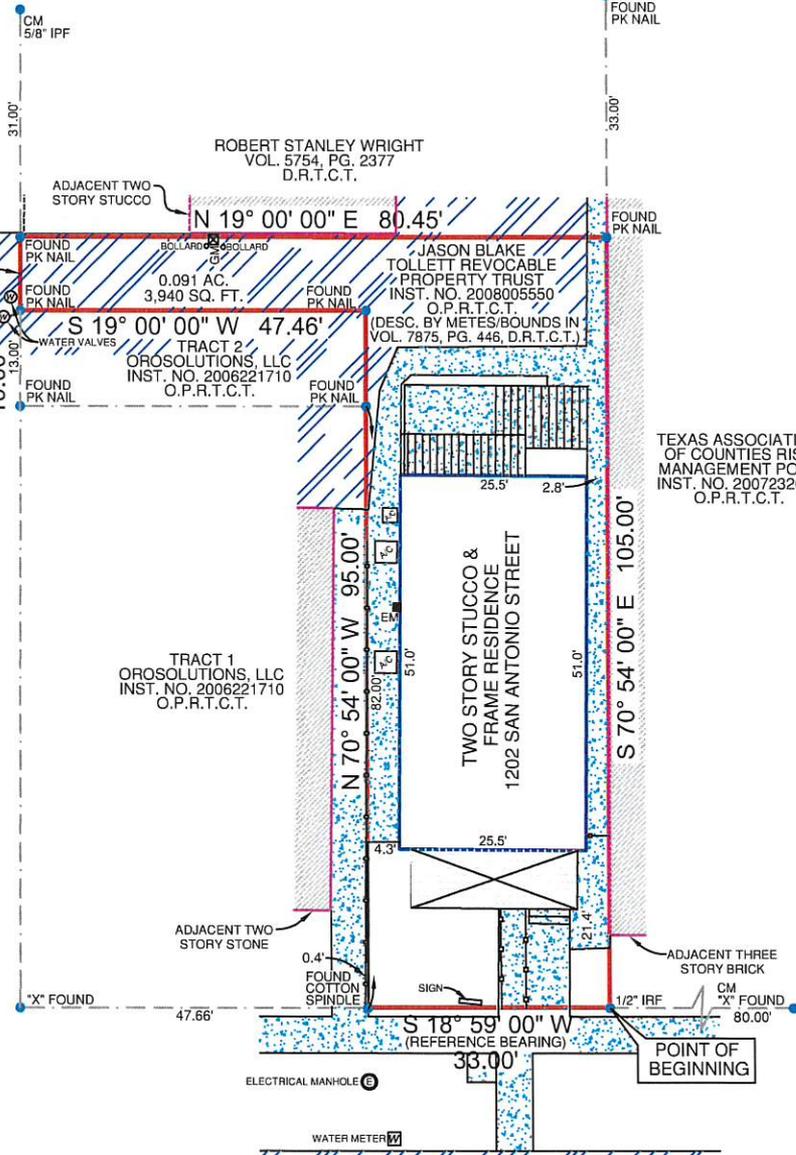


Robert T. Paul, Jr.
REGISTERED PROFESSIONAL LAND SURVEYOR

Survey Plat of even date attached hereto and made a part hereof.

Date: 02/15/17

W. 12TH STREET



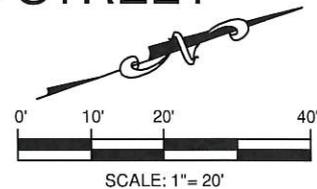
TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL
INST. NO. 2007232001
O.P.R.T.C.T.

SAN ANTONIO STREET

LEGEND:

—●—	WIRE FENCE	ASPHALT	▨
—○—	CHAINLINK FENCE	CONCRETE	▩
—□—	WROUGHT IRON FENCE	GRAVEL	▧
—/—	WOOD FENCE	TILE	▦
—v—	VINYL FENCE	WOOD	▥
—E—	ELECTRIC LINE	BRICK	▤
GM	GAS METER	STONE	▣
EM	ELECTRIC METER	(WOOD) RAILROAD TIE	▢
IPF	IRON PIPE FOUND		
IRF	IRON ROD FOUND		
IRS	IRON ROD SET		
CM	CONTROLLING MONUMENT		

NOTES:
BEARINGS ARE BASED ON THE RECORDED DEED.
THIS PROPERTY MAY BE SUBJECT TO THE FOLLOWING:
(10d)-EASEMENT, VOL. 269, PG. 164, VOL. 283, PG. 324,
VOL. 848, PG. 477, VOL. 5754, PG. 2377, D.R.T.C.T.
(10e)-EASEMENT, VOL. 305, PG. 430, D.R.T.C.T.



LEGAL DESCRIPTION:
BEING A 0.091 ACRE TRACT OF LAND SITUATED IN THE THOMAS J. CHAMBERS SURVEY, ABSTRACT NO. 7, TRAVIS COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO JASON BLAKE TOLLETT REVOCABLE PROPERTY TRUST, AS RECORDED IN INSTRUMENT NO. 2008005550, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (BEING DESCRIBED BY METES AND BOUNDS IN VOLUME 7875, PAGE 446, DEED RECORDS, TRAVIS COUNTY, TEXAS), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF ON PAGE 2.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND REFLECTS A TRUE AND CORRECT REPRESENTATION OF THE DIMENSIONS AND CALLS OF PROPERTY LINES AND LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, CONFLICTS, INTRUSIONS OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY ONLY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON. THIS SURVEY IS SUBJECT TO ANY AND ALL COVENANTS AND RESTRICTIONS PERTAINING TO THE RECORDED PLAT REFERENCED HEREON.

GF. NO.	1702666-BAL
BORROWER	TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL
TECH	MSP
FIELD	TM

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48453C0465 J, DATED JANUARY 6, 2016.

DATE: 02/16/17 JOB NO.: 17-01004
FIELD: 02/15/17

1202 SAN ANTONIO STREET, AUSTIN, TX 78701
0.091 AC., THOMAS J. CHAMBERS SURVEY, ABS. NO. 7



DATE: _____
ACCEPTED BY: _____

Premier
Surveying Inc.
5700 W. Plano Parkway
Suite 2700
Plano, Texas 75093
Office: 972-612-3601
Fax: 972-964-7021
Firm Registration No. 10146200

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: Cathy Curtis, Paralegal